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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,995	02/20/2002	Jun Saito	1422-0519P	4521

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EXAMINER

BOYER, CHARLES I

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/049,995

Applicant(s)

SAITO ET AL.

Examiner

Charles I. Boyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-13, and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/20/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to applicants' amendment and response received September 20, 2004. Claims 1-7, 9-13, and 15 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 9-12, and 15 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Tadsen et al, US 5,527,489.

Tadsen et al teach a process for preparing high density detergent compositions (see abstract). An example of such a process adds sodium carbonate, sodium tripolyphosphate, and alkyl sulfate to a mixer and the mixture is rotated at 15rpm for at least three minutes.

Subsequently, alkylbenzene sulfonic acid is added as a liquid, followed by zeolite A (particle size < 10 microns), yielding free-flowing granules with a bulk density of 820 g/L (col. 12, example 1). With respect to the liquid binder, the examiner maintains there is inherently sufficient liquid present in the mixer to serve as a binder and form the granules. As this

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reference meets all material limitations of the claims at hand, the reference is anticipatory. In the alternative, the reference does not make specific mention of a liquid binder added after the liquid acid precursor. However, the examiner maintains that as a binder is an essential part of any granular composition, and Tadsen et al have formed a granule according to the present claims, it is an obvious imperative to one of ordinary skill in the art to ensure that ample liquid binder is present in the mixer to form granules, and said liquid binder is obvious to add at any step along the way to form granules. With respect to claim 7, blowing a gas during neutralization is an obvious process step to one of ordinary skill in the art.

Applicants have traversed this rejection on the grounds that Tadsen et al utilizes a V-type blender as the device to manufacture detergent particles. Notably, blending with a V-type blender is a mild blending method that is too mild to crush the detergent particles. As a result, the inorganic powder in Tadsen et al. is simply added as a surface modifier of the detergent particles, and is not added to avoid an agglomeration with the binder. As such, it is clear that the teachings of Tadsen, are incapable of supporting any anticipation or obviousness rejection of any of the pending claims.

The examiner maintains that as Tadsen et al formulate a detergent granule having the same components and physical properties as the granules presently claimed, the claim limitations are satisfied, regardless of the type of mixer used. Note that the specific apparatus for carrying out applicants' method is not a claim limitation.

The rejection of claims 1-6, 8, 10-12, and 14 under 35 U.S.C. 102(e) as being anticipated by Yamaguchi et al, US 6,159,919 is withdrawn in view of applicants' amendment and response.

Claims 1-7, 9-13, and 15 are rejected under 35 U.S.C. 102(a) as being anticipated by Nitta et al, EP 936,269.

Nitta et al teach a process for preparing high density detergent compositions (see abstract). An example of such a process adds sodium carbonate and sodium tripolyphosphate to a mixer, followed by alkylbenzene sulfonic acid, and finally followed by an aqueous solution of acrylic acid-maleic acid copolymer (meets the liquid binder limitation of the claims) and zeolite with a particle size of 4 microns, yielding free-flowing granules with a bulk density of 760 g/L (page 13, example 1). Note that this process includes blowing a gas during the neutralization step (see page 23, table 5). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Applicants have traversed this rejection on the grounds that Nitta et al do not teach or otherwise provide for each of the present claim limitations. The examiner respectfully disagrees and reiterates that an aqueous solution of acrylic acid-maleic acid copolymer meets the liquid binder limitation of the present claims.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not


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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles I Boyer
Primary Examiner
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